

Water Meeting

May 22, 2015

JIMMY GUIDRY: Y'all want to get started so we can get out of here. The sooner we start the sooner we get out of here hopefully. It doesn't always work that way, we'll try. Welcome everyone again to our water works, instruction, operate, and maintenance committee meeting. We have quite a bit ambitious agenda so we'll get a move on. Do I have a motion to approve the minutes?

BEN BRIDGES: So moved.

CHRIS RICHARD: Second.

JIMMY GUIDRY: Anyone oppose? All right. The minutes are approved as written. We'll get right to old business.

SHEREE TAILLON: The roll.

JIMMY GUIDRY: Why don't you go ahead and do the roll.

SHEREE TAILLON: Dirk Barrios, Vern Breland, Ben Bridges, Robert Brou (absent), Jeffrey Duplantis (absent), Greg Gordon, Jimmy Guidry, Jimmy Hagan, Randy Hollis, Patrick Kerr, J.T. Lane (absent), Rick Nowlin (absent), Rusty Reeves (absent), Chris Richard, Keith Shackelford, Cheryl Slavant (absent), Joe Young (absent), and David Constant (absent). And we do have a quorum.

JIMMY GUIDRY: Thanks for reminding me. I skipped right over that. That's how much I'm paying attention to your agenda. Part 5 we have some outstanding issues that Jake will take us through real quick.

JAKE CAUSEY: The best we can tell these three appear to really be the outstanding issues so we put them on the agenda as individual ones for discussion. So I guess with regard to day tanks we had discussed last time Randy had proposed language as I understood it as an

additional exception. I think we have one exception. Oppose language was an additional exception. So really just generally speaking as we sort of went over the language and read it and thought about and analyzed we just ended up having a lot more questions frankly and so we just kind of wrote a bunch of them down, just comments. I guess we can go through some of those. I can see it maybe getting to a point where maybe we have another subcommittee meeting just on that to really hash out what some of the concerns might be and make sure we kind of all have the same understandings. But anyway, I'll guess I'll just briefly read through what some of these questions and comments were that we had.

Talking about the statement I guess pumping systems that pumping systems will limit the application for a chemical. And so I guess presumably that meant at maximum pumping capacity, not necessarily what the dial might be set at. Just thought that if we use that kind of language we might need to kind of clear it up a little bit so it's a little more specific. And then I know we've had some cases where maybe wells weren't running, pumps were running and just trying to think, I guess what I'm trying to think of are we achieving at least the same level of protection or more than we would with a day tank. That was one condition that came to mind where in a day tank at least you run out of chemical. I think in other instances when they've talked about maybe having an analyzer on the other end that maybe would have some controls and shut a pump down or something. I think that's maybe some of what may need to come into play here. Talk about some don't visit well sites very frequently, maybe once or twice a week. And then along the same lines of that language pumps fail and they get changed out, presumably with the same pump, but I don't think that's necessarily always the case. So that would have an effect on that as well. And then talk about MCLs there are other ways that I guess the amount of chemicals that could be drinking water regulated so we mentioned MRDL, NSF60 acrylamide, chloral hydrate, copper sulfate, all kind of regulated and monitored very differently. I think we can certainly be concerned with

exceeding those thresholds as well. So I guess we just kind of ended up back at we have some general language that says we can provide an exception to the day tanks when particular I guess set up or arrangement provides equal or greater protection. But if we want to try to revisit this in another meeting to work on some of this language we can do that. That was I guess basically our comments there.

RANDY HOLLIS: Maybe another meeting is in order so instead of the full committee we can try and nail this down. I guess it's the basic philosophy of a day tank verses limiting the capacity of a pump. And the best analogy I can give you Jake is if you go to U-Haul or Hertz and rent a truck they have a governor on that truck that when you get on the interstate you can't drive at a 120 miles an hour. You can put the pedal to the metal and it's going to stop you at about 70 and you just can't drive the truck any faster. They don't regulate your speed by giving you a 5 gallon gas tank. And that's the best analogy I can give you is we need a governor to put on there. Instead of trying to limit the size of the tank. Because if you put a 5 gallon gas tank on a truck that you don't put a governor you can drive it as fast as that truck will go and kill somebody. What I'm saying is let's figure out a way to put a governor on it. You could bypass a day tank. Y'all aren't there every day. So if somebody wants to they can bypass the day tank and go right into bulk chemical feed. You just defeated the purpose of it until you do another sanitary survey or something. As far as the same size pump, sure the intent is they need to come back in for any changes in pumping, but we can't regulate that. If you get some operator, rogue operator that wants to put in a bigger pump. I really want to try and work out a way we can look at this of abandoning day tanks and going to a better mouse trap. That's the analogy I came up with. We need a governor. To me that's a better mouse trap than a day tank. I think we can get together and meet, that would be fine. Let's work out the language on that. I don't know if anybody else has comments.

PATRICK KERR: I might. Not on day tanks. We're diving into secondary containment on

chlorine GCO's patents expire in July, not that we're going to wait for that to happen, but just some language that you've got here. For example GCO does have pressure lines outside of secondary containment. They feed the regulator on the outside of the tank so we just need to be careful. And also Chris and I were talking before this started, what are we trying to accomplish? What is putting chlorine in a building do? And one of the things I've been researching is what the real catastrophic event would be. It's not a gas phase chlorine leak. We can deal with that. It's a liquid phase leak. And we haven't discussed at all what to do about a liquid phase leak in a building that has drains in it, that's going to take liquid chlorine that expands at 437 times to 1 when it expands to a ditch outside the facility. I don't think we're heading down the right path talking about buildings. What we need to do is make sure we don't exceed temperatures and blow a dadgum thermal plug in a cylinder and we can do that outside. I got to push back again. We got a lot of expertise around this table. We bring in expertise on anhydrous ammonia and how it should be stored and the department says we know better. It needs to be in a building cause everybody else puts it in a building. Well, I'm sorry guys. That's why we're here because we convinced the legislature there was some expertise that needed to be brought to bear on rule making. I have not at all involved myself in house continuing resolution 54. But the same mantra is being stated about the emergency order and your treatment of industrial users of water and saying guys follow your rules. You can't use an emergency rule over and over again. You really can't say I don't care about disinfection byproducts. We're not going to have anybody else get sick with an amoeba cause disinfection byproducts matter. But instead of having a conversation with users we just issue an emergency order and we issue it and reissue and we never have the conversation. So my point is that meeting to solve this little problem with secondary containment or with buildings and with how we store chemicals is great, but I hope y'all also will think that we can make a lot of progress if we rely on the expertise. If you have a

specific reason that you're scared about chlorine being outside let's talk about it. But the answer can't be cause that's what everybody else does. The more I dive into it the more I find out that everybody else is doing it wrong too and they're impairing public health. We're going to make a change in Baton Rouge, I promise you. Putting it in a building ain't the solution. So let's open this thing up and when people come in from experts in anhydrous ammonia instead of the department saying that's great but that's not what we're going to do. Let's listen to them and figure out a way to do it. And Dr. Guidry that's all I'm going to say today, I promise.

JIMMY GUIDRY: Can you speak into the mike. I've been hearing the arguments on both sides. I hear the frustration and I certainly, there's no easy answer where we don't always agree. I thought we were getting to a point where we were coming up with some protection with containment vessels, but I guess we hadn't got to chlorine yet. We were trying to get through just the day tanks. Anybody else want to work on the day tanks with Randy and Jake?

PATRICK KERR: My point is it's day tanks because other people use day tanks cause the picture in the EPA guidance has a day tank.

JIMMY GUIDRY: So are you saying we should have a subcommittee that addresses these issues where we have to come to an agreement?

PATRICK KERR: I don't know a subcommittee is necessary Dr. Guidry, but make an argument not just we think this is better. How is it protective of public health? How is a day tank on certain chemicals better protection of public health than a design of a system that is not going to overfeed?

RANDY HOLLIS: There were some exceptions to the chlorine storage room that were proposed and I didn't know if there was anything specific in there that we want to address right now.

JIMMY GUIDRY: You see Pat I feel like we had this conversation when you weren't here so I feel

like we've hashed it out and came up with semi solutions. I don't know if they meet what you were looking for. But what I'm hearing you say it's almost like the conversations we had when we came to some agreement. I'm not sure you've been brought up to where we are.

PATRICK KERR: I think I have Dr. Guidry. I also think that if we're going to blanket grandfather something, and this is Chris' words not mine, you really need to think about whether we need to do it in the first place. If there's a better solution grandfather the old solution. If there's a critical risk to public health we don't grandfather anything. If chlorine being outside is a critical risk to public health then dadgummit we need to issue a rule that says it needs to be indoors and we need to do whatever it takes to make sure it's not a risk. But I can't find any instances, other than tampering, of massive illness causes by a chlorine link or a cylinder floating in Bayou Teche. Sorry, it doesn't look good, but I can't find a problem. If it's secured and tied down and we do all the things we're supposed to do dadgummit it's safe. If we don't use a day tank on aqueous ammonia. Yeah can we design it improperly and screw it up, yeah. But I can put a day tank on it and screw it up too. That's why we want you guys to check our designs and say hey yeah this will work. And that's my day tank argument.

JIMMY GUIDRY: I'm looking for a way to find resolution. What I'm hearing is Randy's doing the work on the language on the day tanks so we can find a solution for that. I'm not hearing a solution to requiring the housing other than housing units unless Jake you're going to cover that.

JAKE CAUSEY: Yeah, I guess. Sounds like we're on the next agenda item is the exception to the chlorine rooms for chlorine gas storage. One exception that was proposed last meeting was in cases where the total containment vessels are used for secondary containment that those could be located not in an enclosed room, but outside, but still protected from direct sunlight and the elements of sort. But not necessarily enclosed room. So this was the language 5.4.1 D we had proposed for that exception. I think we were agreeable to that

exception in those circumstances.

PATRICK KERR: But you're going to grandfather everybody else?

JAKE CAUSEY: I don't think we've had the grandfather discussion yet. We said we were open to that if that's where it needs to go, but I don't think we've had the conversation.

JIMMY GUIDRY: The grandfathering of the things that we need to make sure that we address we've not had that discussion, not had a committee. It's probably going to be the final thing we do when we're done is go back and say these are the things we can live with, these are the things we can't live with. I don't think we're there yet. I'm hearing we have problems with grandfathering across the board, but on this issue it was more of grandfathering cause there are a lot of systems that are out there with large cylinders that are out in an environment and require a fortune to put under cover so I think the grandfathering was to get around the cost verses the risk. What I'm hearing is that even going forward what you're saying is that we shouldn't have to put enclosed even on the new ones.

PATRICK KERR: If there's no risk to public health why? I intend to do it at my system and we are doing it in our system with new construction. I think it's a good idea, but does that mean it needs to be required? What's the public health benefit?

JIMMY GUIDRY: So make it optional? I'm not sure I understand what you're suggesting.

PATRICK KERR: I'm suggesting be silent on it. How does it protect public health? If it's a clean act issue then DEQ ought to be in here and EPA at the national level has set threshold quantities for the storage of chlorine and the quantity happens to be 2500 pounds before you have to do process safety management. So most systems operate below 2500 pounds to stay out of PSM. So why do you guys have to opine on it at all?

JAKE CAUSEY: I think the storage of chlorine and the feed systems is frankly a critical part of the treatment process and therefore a critical part of the water system. Protecting the chlorine storage cylinders area it is important. It's important to public health because it's part of the

water supply. And the risk to those cylinders that are exposed to direct sunlight that are not protected and as well as the risk to the operators there if it's just leaking out everywhere is significant. I've said there is an element of safety, there's security, and there's resiliency in protecting the chlorine storage and feed systems. How do you go about doing that to achieve those things? I think those are very relevant to public health.

PATRICK KERR: I agree. Jake the room is not a solution.

JAKE CAUSEY: I don't want anybody to think we're completely closed off to other options. And we think there are other great options. I've seen a chlorine cylinder in the middle of a field with a little piece of tin over it you know and it's protected. I tend to disagree with that. I've seen rooms that were virtually closed, but not completely enclosed that you could say but. So I think there's a wide variety there. I certainly like these total containment vessels. I think they're great. Anyway, on the anhydrous ammonia. I know initially the gas commission was possibly going to be here, but their schedule changed I think.

JIMMY GUIDRY: So save it for another meeting. I'm not done with your discussion cause in my head it's not clear when we come to where we don't totally agree there are other solutions there should be some science to back our decisions, the experts are here, we should agree as much as we can to get us close to what the solution might be. And I'm not sure I know what that is hearing from the experts because I hear we should pay attention because protecting that resource make sure your drinking water is safe is critical to public health and I'm hearing we shouldn't even look at it. It's not an issue. The people that monitor the air or set the standards should be paying attention to that and not health so.

PATRICK KERR: No. I think resiliency, redundancy is important. It's very important.

JIMMY GUIDRY: But you don't agree that a cover or keeping it from the elements is important?

PATRICK KERR: I agree that a cover and shading is important, critical. I think putting it in a room detracts from our ability to deal with an emergency and can cause the emergency to

be greater. Unless of course you want to dictate that these be enclosed rooms that are completely closed to the environment and we put scrubbers on them. I think we could have a discussion about that. Then we're going to talk about cost benefit analysis because we have not had a problem other than industrial situations with chlorine releases. So we could talk about that, but you're talking about an unbelievable amount of money to fix a problem that doesn't exist.

JIMMY GUIDRY: So I don't think we have clarity for anyone as to exactly what it is we're asking for as far as is it a roof. To me we're not telling people what's the best route here.

JAKE CAUSEY: In a room even if you don't have a scrubber it does, and you do have monitors, then it saves you some amount of time before that gas is actually being released through the vent movers, or what have you into the atmosphere, or the neighborhood, or plant, et cetera. For someone to go into the room and fix the leak where it's not in a room that gas is escaping. It's not just building up in that room for some period of time before it escapes the room. So the room itself is a buffer to respond to a leak and it buys you time. It doesn't, if you have a scrubber then that neutralizes it and kind of fixes the issue as well. But in my mind effectively the purpose that it serves as well as the sunlight protection, et cetera. You can certainly achieve that without an enclosed room. But that's what it does.

JIMMY GUIDRY: Tell me this if you have a cylinder and all of a sudden it releases an entire amount in that cylinder, I guess it depends on the size, to me it's safer to dissipate it there than it is to concentrate it in the room.

JAKE CAUSEY: It would eventually be dissipated, but the idea that you have some time and it's in that room you can get people out of harm's way if it's a near a neighborhood, if it's in the middle of absolutely nowhere maybe it's not as critical, especially if it's an unmanned location. You can try to look at a lot of different scenarios and try to pick and choose where you get the most benefit.

GREG GORDON: From my experience, for most of them, the first person that's going to get there is the operator and he's going to open that door and he's going to get a face full.

PATRICK KERR: I hope not, he shouldn't.

GREG GORDON: There is the operator aside from the public and the customers. I would think the operator that's actually going to that well site is going to deal with that problem first.

RANDY HOLLIS: Let's say you have 20 pounds released or 50 pounds released out of a cylinder if you contain it within a room 50 pounds is sitting in there outside the cylinder, but let's say it's inside the room. You have to get in the room to address the problem. As soon as you open the double doors the guys are all suited up and everything to go in there. You've just exposed them to a toxic fatal concentration of chlorine. Hopefully the suits are duct taped and everything's okay and hopefully they'll be fine. But you've just exposed them to an extreme amount of chlorine that will dissipate through the doors and it will leave the area. If you have a 50 pound release and you don't have a room at least it has been dissipated by the air. So you've got the same amount of chlorine, you're not going to contain the 50 pounds that got released in a room. You're not going to capture it, it's gone. So at least with some air it's dissipated and those operators then are suited up, but they're not exposed to as high of a concentration so you're protecting their health by not putting it in a room.

CHRIS RICHARD: And those releases are addressed by your risk management plans and those kind of things by DEQ. But all the things we've been talking about have nothing to do with water quality which is what this code is supposed to address. We put them all the time. You put a cover, we even protect them from the north wind and they have heaters that they put on them for the couple of days if might get cold enough. But they've been acting without incident for years and years. There's no reportable accidents or affect on water quality by having these leaks, yet it's an expense. And what I mentioned last time, let me preface it by saying I don't think we need to put it in a building, it needs to be protected from the

elements, but not necessarily in a closed building is we talked about the grandfathering as a way to get this through to be able to put it from here on out on buildings. But I mentioned how do you reconcile that from now on we're worried about the kids next to a chlorine building in the future, but we don't care about the ones that are next to it today. Which is basically what you say when you grandfather. It's either needed or it's not. My opinion it's not needed and I think you go down a dangerous road from a liability standpoint on all these water systems when you start saying this is critical, this is extremely critical to the protection of the public but we're not going to make the other people do it. It's going to be force done because they're going to have to do it to protect their liability, their exposure for not doing it. I think it goes a lot deeper.

BEN BRIDGES: To my knowledge the only time you have had chlorine leaks is when they are changing a cylinder. I could be mistaken, but I don't know of any other instance across the state in 25 years where you've just happened to have a leak. It's usually when they change a cylinder out is when they have that occur.

CHRIS RICHARD: On a vacuum system.

BEN BRIDGES: Right. But if you're talking about filling a room with your vents and such and the design now is you have a fan at the floor that pulls through unless you have a positive influence of air from the top that is not concentrated with chlorine your equipment is going to last about that long if it comes on. Once you have a chlorine leak that bad none of your exhaust system going to work. When you immediately pull that chlorine cloud across that fan it's going to destroy the electronics on the motor. It's not going to work. So you're still going to be contained and have it inside unless you have a positive draft from above that pushes it out through a room.

CHRIS RICHARD: That's what we used to do in the past is we actually put a force ventilator for that reason cause you can have a fan at the bottom to pull it out, but if you go to these

water systems none of them work because they have all been destroyed. And usually the leak is from a solution, not from a gas leak. You get a water leak that's highly concentrated and eats up. I know it pressurizes the room, but the equipment actually works when you do it from the top.

BEN BRIDGES: When you flip the fan switch it pressurizes the room and it dissipates like it's supposed to. It works, but on the ones that are drafted out they work one time. Like a set of scales they work good until you have the first chlorine leak and then they are shot. So that's a waste of money as well in our opinion.

JIMMY GUIDRY: I'm not hearing a total agreement, I'm hearing protection from the elements, I'm hearing ventilation which makes sense to me. Enclosure does put whoever walks in a room at high risk. But if there's a school nearby certainly those kids are at risk to some extent. This is where I happen to agree with you. If you say it's so critical from now on we're going to do it this is where I have trouble with grandfathering. If it's important enough it should not be you can get away with it. If it's not that important then it should become a rule or a law that says you have to do it, but nobody else before this certain date has to. It is a conflict in what you're telling people. I think we went to grandfathering because we got so much push back, so much push back because of cost, but we still felt it was a safer way to go. I think that's why we got to where we are today.

CHRIS RICHARD: On the grandfathering it is necessary and the fire marshal does it. But there are certain instances that aren't critical it's the way you do it now and a good example is I mentioned to Pat is flood elevation. Flood elevation changes. We're going to say from this point forward you're going to build it a foot or 2 feet above the 100 year flood elevation, but we're not going to tell everybody who's below it to go tear down their plants and rebuild it. There are situations that it's a better way to do it, it's not critical, but it's a better way to do it going forward. And so you do that and you grandfather those systems in from the past.

But if it's critical and it's crucial to the protection of the public you don't grandfather those in. So there's going to be a grandfather clause that's going to apply on water systems on not critical things. So you still have to have it.

BEN BRIDGES: The liability there that's huge if you allow one and not the other.

JIMMY GUIDRY: We've had several discussions on this so at this point I kind of want to see everybody's thoughts. If you had to protect chlorine and protect people how many of you think it's sufficient to just have a cover? All right. How many think it's a lot safer to have a building where you have scrubbers?

PATRICK KERR: Different question.

BEN BRIDGES: Different answer.

JIMMY GUIDRY: It is a question in my mind are we doing what protects people the most or is that really cost prohibited? If you put scrubbers on a building is that the safest for everybody, the school kids?

PATRICK KERR: Let me just steal a little bit of Randy's analogy. Now we're putting a 5 mile an hour governor on the dadgum truck. Sorry, I know you just said it to me, I already forgot it. But what you're talking about with scrubbers is the 5 mile an hour governor. We don't have a problem Dr. Guidry. We have not had, to my knowledge, a leak that's gotten people sick offsite at a water treatment facility in Louisiana since I've been here in 20 years.

JAKE CAUSEY: We had handouts at the last meeting frankly that had, and I don't have it with me right now so I'm struggling to recall. That's why I printed them.

PATRICK KERR: We've had some operators get sick, we've had some workman's comp claims, things like that. I don't think we've had any offsite releases cause of illness or public health problems. If you want to talk about scrubbers, yes if you want it to be perfectly safe. You know the other argument that went on for 15 years that's now backing off because EPA is changing the rules is there is a safer technology in liquid sodium hypochlorite. But all of a

sudden EPA says we're going to regulate perchlorate. But guess what, one of the breakdown byproducts of sodium hypochlorite is perchlorate. And so all those guys that switched to bleach are now going to have to worry about meeting the MCL for perchlorate. We've got a really wonderful disinfection product in chlorine that has protected public health incredibly well for a long, long time and I think it's a safe technology. There's two things in my business that keep me up at night. One is catastrophic loss of chlorine and the other one is a catastrophic loss of a major transmission main that could take the system down. Other than that I think we're good. The regulations that you guys have out there are keeping people safe. And I don't think you can regulate either one of those two things for me so we'll fix them ourselves. I guess my point is give the operators the benefit of the doubt, give the design engineers the benefit of the doubt. They know what's going to happen with a catastrophic loss and his stamp is on that plan. We're taking the necessary precautions to make sure we meet the industry standards. So just give us the benefit of the doubt and y'all start banging on what we're trying to ask you to do. That's all I'm asking.

JAKE CAUSEY: I mean yes we see a lot of things out there that are problematic. I think we at least all agree on protection from direct sunlight. And I think there are some that will push what even constitutes or equates to meeting the definition of protection from direct sunlight. So I think to some extent we all want to get on the same page more than just meeting the benefit of the doubt it's where do we need to be exactly or at least. I think that's where it's at. I know Texas does not mandate chlorine gas be enclosed and mandated be protected from sunlight. Other surrounding states that I've spoken with are requiring it to be enclosed new construction I think generally speaking as best practice. I think scrubbers that's secondary containment, total containment vessels that's secondary containment. I think to some extent a lot of the greater concern is where we do have chlorine gas stored in the middle of neighborhoods like literally adjacent to homes. If we're

going to talk about scrubbers and secondary containment those are the places where I think you could probably come up with some general rule that says X number of people live with some radius or whatever. That's where the greater risk is rather than some plant on Mississippi that's not by a home. Definitely variations.

RANDY HOLLIS: Dr. Guidry I really struggle with this because I want to protect the public and I want to protect our operators and I want something that's the best for water systems. So when you ask me what's the best solution every incidence I've ever known about of a chlorine leak, and there have been chlorine leaks, has been the moment that the operator is connecting the regulator to the cylinder or taking it off. I don't know of any single incidence where the system was installed, the lead gaskets are proper that all of a sudden we have a leak. It's only when the operators are on it. The problem with every single solution we're trying to come up with is it won't prevent a gas leak when that happens. Because you've got the doors wide open when you're sitting here trying to change out a cylinder and so scrubbers are not going to be any good. If you've got secondary containment the whole front of the thing is open because you're trying to connect to the cylinder. And so I don't think there is a good solution to the leaks that do actually occur. I think the best solution is better education and better training for the operators to make sure number one they are not using the lead gasket that's been used before. That's prohibited. To make sure the cylinders are in good condition. If they inspect the cylinder when it comes in if it looks suspicious you don't even try and put it online, you send it back. I think training is the best thing we can do in spending money properly. But I don't know of a single incidence of a leak that has occurred after the regulator's been put on and it's in service that we need all this protection. Would a scrubber help? Sure, we've had a scrubber on a system in New Iberia for 15 years, never needed it under any circumstance whatsoever. Don't know if we've had a leak of any type over there whatsoever.

PATRICK KERR: But you were required to install that to meet the TNP requirements because you're in a populated area and have more than 2500 pounds of chlorine on site, correct?

RANDY HOLLIS: No. There was no requirement we had to have a scrubber. We did that because of our own liability. The RMP didn't require.

PATRICK KERR: You have to demonstrate that you can meet the requirements.

RANDY HOLLIS: We did that on our own 15 years ago. There was no specific requirement.

We're in a populated area. But here again, all the doors are wide open, the overhead doors are open when you're connected to the cylinder and the proper training is if you go to The Chlorine Institute and ask them specifically, and I did this to the vice president of The Chlorine Institute and say okay you've got all these five different levels of protection from an escape mask, to a complete enclosure, all the way up to the full suit. When am I supposed to use each one of those levels of protection for either handling a cylinder when it's coming in, or when I'm connecting to it, or when I have a leak. They can't tell you. They don't want the liability of telling you well you can just use an escape respirator or no you need a full suit. Even The Chlorine Institute cannot tell you that. I nailed the guy to the wall and he couldn't tell me. They have five different levels. There's a lack of understanding of operators when you ask those guys that manufacture chlorine they will tell you you can keep this escape respirator on your belt, you don't need to be wearing it when you connect to the cylinder. You ask other guys who have done this for years and they say yeah I got hit in the face with it, was in the hospital for three days when I was connecting to the cylinder. To me it's training and education of the operators to make sure they are doing it right because that's the most precarious time. But to try to require a room or secondary containment, which I do like the devices, you're spending a lot of money for something where the leaks never occur. Could you ever get a leak? Sure, there's absolutely a time you could get a leak sometimes. I don't know of any and I've been in this for 30 years.

JIMMY GUIDRY: The only chlorine leaks I'm aware of when a tanker on a rail--

RANDY HOLLIS: Flipped over.

PATRICK KERR: And that's liquid. That's the scary part of this is a liquid leak. A gas phase leak, again we're going to have people in the immediate area working on it and if they are not protected they're going to get sick. But it's not expanding tremendously like liquid does. And as Randy said those leaks occur when you're handling it, or if God forbid you had a fusible link fail, or the inductor tube is fractured and it's in liquid phase and you're pulling liquid out. But it should be identified immediately and fixed. Being in a room doesn't help.

BEN BRIDGES: I like the idea of the protection from vandalism as much as anything. I think you'll have more risk of vandal than you will. The only instance I've ever heard of people dying was when they were changing the cylinder out. Not because they just walked up on a third Tuesday and it's spewing gas. I don't know that has happened. I've never heard of that, it's possible. But our problems have always been when we change the cylinders out. Whether it's a ton or a 150 that's when you have the issue. But having it in scrubbers and all this if the risk warrants that then I'm for that, but just having it there as a failsafe that may or may not protect you I think it's just wasted money.

CHRIS RICHARD: Protected from, make it in a secure site and protected from the elements should be sufficient. Sunlight, direct sunlight, if you got to protect it from the north wind in the winter time.

RANDY HOLLIS: In the original language I had proposed that was thrown out was let the public entity and engineer figure out what they want. They are the ones who have the liability. It's not water quality. If you have a gas leak in some town in Louisiana they're going to sue that entity, they're not suing DHH because of water quality.

JIMMY GUIDRY: Unless we require something and we don't enforce it. And where I'm at with that is if we don't require it it's on you. We keep revisiting this, but I'm not sure how big of a

problem it is that we have to go to scrubbers or delineate all these. I do think we have to make it secure and protected against the elements.

JAKE CAUSEY: Looking at the exception I guess that we had relative to use of total containment vessels numbers 1, 2, 3 and 4. And I guess, I think maybe one caveat would also be, I know everyone uses it already, but still may need to specify it that it is a vacuum system. I don't know anybody uses pressure systems. Probably should make sure they are vacuum systems.

RANDY HOLLIS: You will find some. Claiborne used to use pressure cause they used evaporators, but have since gotten away from that. But I don't know you might find some of wastewater because of the sheer volume.

JAKE CAUSEY: Those would be the criteria. Protect from direct sunlight say just during all daylight hours. You know it's like high noon. From 8 to 12 and 1 to 6 in direct sunlight. Anyway.

JIMMY GUIDRY: So what you're saying, if I hear it correctly, these requirements about the vessel would be the same requirements on the structure.

JAKE CAUSEY: On the cylinders.

JIMMY GUIDRY: Without requiring an enclosed room.

JAKE CAUSEY: Or containment vessel.

CHRIS RICHARD: A containment vessel would fall under if you say secure and protected from the elements, direct sunlight, then you don't have to have an exception, you don't have to mention the coffin because it falls under that same requirement. You just say that and you've got it covered.

RANDY HOLLIS: This would be the basic requirements in a chlorine room or containment vessels could be secondary if you want to.

CHRIS RICHARD: If you want.

RANDY HOLLIS: Optional.

CHRIS RICHARD: I'm just saying it doesn't need to be in here because it's if you want.

JIMMY GUIDRY: I hope we have consensus. I guess is come back with that language at another meeting and see if we captured everybody's thoughts.

JAKE CAUSEY: To be frank and maybe killing two birds with one stone from what I can tell I think the same would be acceptable to the gas commission for anhydrous ammonia. I think they've been okay with covers and et cetera, but it's been the enclosure.

JIMMY GUIDRY: Anything more on anhydrous ammonia at this point? No. So then we'll move on to part 10 side by side.

CHRIS RICHARD: Did we resolve day tanks? Are y'all going to have another subcommittee?

JAKE CAUSEY: We'll get together.

DIRK BARRIOS: When y'all do something forward me.

RANDY HOLLIS: What side are you on before I?

DIRK BARRIOS: I hate day tanks. It has its place where it's applicable.

JAKE CAUSEY: Moving along. This is part 10 side by side. The first one, that was just state health officer. So comment 2 was I guess concerned with regards to including in the rule a statement that once delivered to a customer, that is once it passes through a service connection or meter it is the customer's responsibility to insure no water is returned to the public water supply. So our first question was if the customer isn't required to have any backflow protection how can we sort of mandate to make sure there is no backflow. Maybe if backflow prevention is required for all customers, or I don't know it was primarily for a legal prospective.

PATRICK KERR: Are we doing this one at a time?

JAKE CAUSEY: I guess.

PATRICK KERR: Certain users know their processes and they'll know before the water purveyor whether they need backflow prevention or not. And what I'm saying in this language or

what we have said is that if the user and the engineers and the plumbers know there needs to be protection installed I shouldn't have to discover that on my own. They should be responsibly installed. It is the customer's responsibility to make sure that once the water flows out of our system it doesn't come back. In some places there have been pushes, for example to use the heat in water systems and allowed to circulate through heat exchange and go back into system. And people say that's not a use of the water we're just taking the heat out of it and we'll put it back. I would never allow a customer to do that. I don't know the integrity of the heat exchange or anything else. So what I'm trying to do with this is say if you are using water it's your responsibility to make sure that you don't put it back in the system ever.

JAKE CAUSEY: One of my fundamental questions would be the typical residence that has a water heater you're going to have some expansion and contraction in some capacity with water back and forth and that would seem to trigger being in sort of violation of this unbeknownst to them. Everybody has a water heater. I'm thinking in those other context that it's not.

PATRICK KERR: We're talking about expansion of a gallon or two coming back. Probably not making it back to the main, staying in the service line. I understand there's some shoveling like that, but if you've got a process that has boilers and you're not protecting the system and hot water is flowing back all the way to the system I think that's something that should be protected against and a survey may not find that. I don't know that looking at your garage I don't know what the heck you're doing in there. I want to place the onus on industry, on garage mechanics to make sure that they got something that is detrimental to public health that their system is protected. That's why the language Jake.

JAKE CAUSEY: I certainly agree with the concept. We don't want it coming back. Just wanted to make sure the language is something that would in fact sort of stand up in court as well.

It's not you put something and people can't adhere to. Maybe more of a legal review kind of thing to see. And I guess that's why I said or does it just once delivered doesn't pass back in accordance with the requirements of the section. Maybe that.

RANDY HOLLIS: Let me ask this question. Just says customer there. Back under number 344 it defines agricultural, commercial, industrial, governmental, multiple family, and high risk residential customers. And the next section defines that again. Do we need that definition with customer in that part to say so we include the normal residential customer actually defining those.

PATRICK KERR: I thought that's what's the parenthetical did that is once water passes through a service connection. So once it passes through a service connection I don't care whether you're buying it you're a customer of that system. But we can define customer somewhere.

JAKE CAUSEY: So by the way since we're talking about backflow we did have to bring up the Palmetto incident. I don't know if everybody saw that two weeks ago. The village of Palmetto where about seven customers that had water color of Randy's shirt. We issued a do not use to the entire village system and started phone calling customers on that road. At first everybody looks like potassium permanganate, but the system doesn't use potassium permanganate. And it's a rural area with farms and such. And there was a water main repair that occurred and depressurized, made a repair on a 4 inch, but I think that 4 inch reduced to a 2 inch on this dead end street. Anyway, there was a customer who had a culligan water treatment system with a filter that had a chemical storage tank attached to it and they used a product called pot perm plus in that chemical storage tank to sort of regenerate the filter. It was that home and four or five downstream of it. It was like dark purple. Anyway, that's what we figured out. Presumably there should have been some back siphonage protection built into the feed equipment. But obviously either wasn't there or didn't work. The homeowner has sense removed the treatment. Said it's been there since

the 1970's, but anyway. By the way manganese levels were 30 and 40 parts per million.

PATRICK KERR: Just cause I got the microphone I'll say exactly what was just whispered in my ear, I don't know that you called the culligan man and the water system. That's the reason for putting the language in the customer's responsible to make sure that adequate protections are in place. If that had a pressure vacuum breaker on it it wouldn't have been inspectable or required to be inspected either. We can't fix stupid, I'm sorry.

JAKE CAUSEY: So comment 3. So we had proposed to change out taking reasonable measures cause we felt like it was difficult to define I guess and trying to figure out some better terminology to use. And I think diligence, due diligence is a fairly common term that has I think...

KEITH SHACKELFORD: Has its limits as well.

JAKE CAUSEY: I think it's something that's used more frequently and has some.

PATRICK KERR: We fought about that language and we thought this was fine.

JAKE CAUSEY: Comment 4 on page 2 is confusing and needs to be reworded to state clearly what you want the water systems to be able to do. It's hard for me to see which piece is highlighted here. I think it was just generally like the whole sentence just seemed to kind of run together. I think that was really the issue maybe trying to split it up and state it a little more clearly. So the next comment 5 was with regard to a certified backflow prevention surveyor. I think the language is good we just need to have certified backflow prevention surveyors. Really to Dr. Guidry and to J.T. with respect to the legislation passed last year with plumbing code going away et cetera that's where the certification of general testers and backflow prevention surveyors was provided for in our rules. I think basically we would have to go to the legislature next session and get authority to certify general testers and backflow prevention surveyors. Or perhaps the plumbing board would be interested in taking that on. But I can't say that I care a whole lot either way other than they need to be

there. If it means we need to do it then we need to do it. I know that in Texas their operator certification program does general inspector certifications. It's certainly something that we could do. But I think in order for this to work we need to have something like that. That's noted here so maybe that's something we can follow up and have a meeting internally to address.

RANDY HOLLIS: Excuse me for asking a dumb question. A certified backflow prevention surveyor after January 2016 there won't be a category, there won't even be a term. So who would be authorized to test a backflow preventer?

JAKE CAUSEY: Only plumbers with a WSPS endorsement and the irrigation guys.

RANDY HOLLIS: They would be authorized to work on it.

JAKE CAUSEY: To install, test, and repair.

JOHN BARKER: Not the irrigation people. They can only test and install for irrigation purposes only. I apologize for interrupting. I'm John Barker. I'm the executive director state plumbing board. In reference to Mr. Causey's initial statement on this subject certainly the plumbing board would work with everybody here. Also while I have the mike I just want to remind you for those of you who may or may not have seen house bill 1 yesterday when I walked in you all were talking about chlorine gas possibly in the air escaping. If this bill goes through you'll be worried about cyanide gas. Pat you got a military background you know what I'm talking about. So that's something y'all might want to pay close attention to. Also we have tried to address this in the plumbing transition committee which Caryn and I both serve about some of these very issues you all are talking about and we are having some resistance so some of you people that were in support of that legislation may want to talk to those people because some of them seem not to have a clue about what you all are talking about.

RANDY HOLLIS: So for my benefit following this and understanding it today you can have a backflow prevention tester who is not a certified plumber, but after January it would have to

be a licensed plumber to do that?

JAKE CAUSEY: So we had proposed in the plumbing code amendments to include the certifications with the general testers and the surveyors the same as we have in our code today. The transition commission and I guess basically they don't want certifications in the plumbing code. So all certifications are outside of the plumbing code. So they don't want to include that so then basically somebody somewhere is going to go have to get something done so we continue to have those.

BEN BRIDGES: Jake how does that apply to the water purveyors that own their own devices? Will they not be allowed to install, test, check if they own the device?

JAKE CAUSEY: I think we have some comments in here to that affect because certainly part 12 and what we're working on here would regulate water suppliers. So we could have requirements in here that the water supplier have someone who is certified to do that work.

BEN BRIDGES: And nothing against the plumbing, I just don't want to make it a monopoly for the plumbing side which is what we went through in Bastrop many years ago because they felt they were the only ones that should be able to do anything with it when we still owned the device and were capable and didn't charge.

JAKE CAUSEY: So we had general testers and a general tester could test the device no matter where it's located. I don't think it was really any issues with that where they could install and repair was plumbing verses water supply. That's where the line was drawn. Not testing so much.

BEN BRIDGES: But we weren't going into hospitals and businesses and doing something on their side of the property we were doing it at our meter, at our device. And that's where we wanted to stop. We don't want to go in to check 15 RPZs in a hospital somewhere, we just want to make sure the major one protects our system from said problem.

JAKE CAUSEY: I think it really comes down to ownership if it's part of the water supply system.

RANDY HOLLIS: Let me try to follow this. So after January 2016 the water purveyor can still test those devices?

SPEAKER: No.

RANDY HOLLIS: No, you will not be able to.

PATRICK KERR: I can test my own. If I am a certified tester I can test it. I can repair it if I'm a certified repair if it's a water system. It's not covered by the plumbing code.

JOHN BARKER: And that's the way it is basically today and I don't see that changing.

BEN BRIDGES: It didn't sound like that the way it was, it's going away where only a plumber could do it is what I understood as maybe Randy did too.

JAKE CAUSEY: For plumbing systems.

RANDY HOLLIS: I haven't followed this. I'm sorry, I'm just playing catch up.

PATRICK KERR: This language happens to appear in the plumbing code right now and we're moving it to part 12 cause they're losing jurisdiction over the plumbing code.

JAKE CAUSEY: I guess to the surveyors, the surveyors are individuals who need to go into plumbing systems and do surveys. That's a critical piece here in this particular rule.

PATRICK KERR: One of the reasons that's critical Jake a surveyor doesn't have to be able to test, he doesn't have to be able to repair or install, he or she needs to be able to say you need or don't need and I think I don't know why that would be a plumbing board responsibility.

There's no reason the department can't say you will have an RPZ installed on your facility unless this kind of qualified person says you don't need it. A person acceptable as a state health officer says you don't need it. We don't have to call it a surveyor, but if there is something installed it needs to be tested by someone who's licensed to test it or certified to test it. But to decide whether or not it needs to be installed that's not a plumber's job.

That's somebody else's job. If you work it that way that might help. If you have a surveyor and she goes out and says they won't let me on their property therefore Dr. Guidry they

need to have an RPZ. Or yes I walked through every part of that facility there is no threat, it's just bathrooms and showers. They don't need any prevention. But once you decide to put prevention in it needs to be installed correctly and tested.

JAKE CAUSEY: I guess we could get our attorney to look at it. One concern I would have is that sort of once this becomes rule there's going to be a lot of people who want to be surveyors. It's going to be a lot of work to make sure on our part that they're qualified, et cetera.

JOHN BARKER: I don't necessarily disagree with you. Excuse me Jake for interrupting again, but certainly a plumber can be that surveyor if he's qualified. And also I think what Jake is trying to say is that we have to have some agency that is the qualifying part. And that might be where we come in. Wouldn't necessarily be limited.

JAKE CAUSEY: Wouldn't necessarily be limited to plumbers.

JOHN BARKER: But maybe we would oversee that.

PATRICK KERR: Somebody's got to do it though.

JAKE CAUSEY: That will work. We'll throw it around internally and see. So comment 6 this was water suppliers need to have authority to override the findings of a surveyor. I think that needs to be clearly stated here because we want these qualified individuals we want them to sign something and sort of assert that to the water system, but at the end of the day I don't think the water system has to be at the absolute mercy of a surveyor and ultimately would not be allowed to require a device if some guy with a surveyor license says somebody doesn't need one. I don't think that's a good place to be.

JIMMY GUIDRY: So let me get this straight Jake. Someone, a surveyor comes says we don't need it, but the water company doesn't want the liability of that user.

JAKE CAUSEY: They feel like it's necessary based on something they know.

JIMMY GUIDRY: So they still have the right to say you got to put it in to protect everybody else's health.

JAKE CAUSEY: There's got to be some reason for it.

PATRICK KERR: There are certain systems in Louisiana that require all commercial services to have a double check assembly at minimum. This would say that they still get to make that rule if they choose to.

JAKE CAUSEY: Comment 7 provide adequate protection. So we just said adequate protection is too vague. Residential customers with lawn irrigation sprinkler systems for which pressure vacuum breakers provide adequate protection. We felt like that was too vague. And then felt like currently the annual test for pressure vacuum breakers is in fact required. Feel like that should remain and that annual test should not be eliminated.

PATRICK KERR: I do want to push back on that and I know we've talked a lot about it. And I've read all of your additional information. I still can't find an instance where properly installed pressure vacuum breaker on an irrigation system has caused or allowed a back siphon event to occur. Test or not tested if it's properly installed so I would like to get a little play on that. This is a very expensive proposition for our customers. Maybe we phase it in over time. And what I suggested in this is that you put it in, you have it installed correctly, tested on installation, tested on repair and other than that I say every five years. Something other than every year is adequate on a pressure vacuum breaker. My now educated opinion on this.

JAKE CAUSEY: What I can look at is I think I mentioned before I don't think I looked into it much more we'll look and see I think maybe Florida pushed it back to every 2 years. I think they did.

PATRICK KERR: I think that would be helpful to our customers. It's an expensive proposition.

JIMMY GUIDRY: Tell me what it involves.

PATRICK KERR: It's the same as any other backflow preventer test. Three tests, testing the check valves, test the vacuum breaker itself. It's a 100 dollar test, it's an 80 dollar test

depending on how many people are competing in the market if they have to come out once a year and do, or every other year, or every 3rd year. Again, the way these things are designed if the pressure vacuum breaker fails, freezes and fails, gets things trapped in it and fails it blows water all over the place. If it fails closed, which could happen, and we have a vacuum event in the system the question is the check valve has to fail and the pressure relief valve has to fail simultaneously and there there's supposed to be nothing above its elevation in the system so it shouldn't be able to draw water back. By design.

JAKE CAUSEY: The purpose of the test annually is not only to make sure it works, but to make sure it's still there and that everything downstream has not been modified such that the installation is no longer correct in that it can't affectively work the way it's supposed to. There are things that can happen if you don't go back and check on it annually or every two years.

PATRICK KERR: I don't see anything on the form that says an assembly tester has to go into the customer's plumbing to make sure it hasn't changed since then.

JAKE CAUSEY: That is typically part of the test is to make sure it is a correct installation. I've had many testers come back and say I didn't test a device cause it was not installed properly. For PVP that's 6 inches above the highest foot.

BEN BRIDGES: A foot.

JAKE CAUSEY: Or a foot, yeah. But we will investigate the Florida and other states to see if they have backed off on an annual test.

PATRICK KERR: That will help our customers a lot.

JIMMY GUIDRY: You wonder with technology today why there couldn't be an electronic monitor of some kind that tells you if it's working or not.

JAKE CAUSEY: I'm sure somebody could build it.

PATRICK KERR: It's strictly a mechanical device and it would only function if it was needed so

there's no way to monitor it, not in advance.

JAKE CAUSEY: There's nothing out there in use currently anywhere.

JIMMY GUIDRY: Just a thought you could monitor from a distance. This is not one of them.

JAKE CAUSEY: There's some really fancy water meters that can monitor backflow.

JIMMY GUIDRY: I got the patent on that in case y'all were thinking about it. I agree if it's an unnecessary expense is it not a high risk, but if there is a risk here people should do what they should do. Yearly sounds a lot, but it's not if you're going to have contamination. I just don't know how much contamination you have. Like you said if it's not working you know it's not working cause it creates problems.

KEITH SHACKELFORD: Put your eyes on it cause water is flying everywhere.

JIMMY GUIDRY: So you have something that tells you hey it's not working.

JAKE CAUSEY: Well not these. These typically are under pressure. The check valve is open and the air inlet is closed and so those things could stick and not work. And the same thing with double check valves. There's no open discharge so that's not always true.

PATRICK KERR: I disagree, but okay.

JIMMY GUIDRY: Tell me why.

PATRICK KERR: This is a spring loaded pop it that when pressure, the pressure feeding it drops below the pressure downstream of it it opens. I've heard of them cracking, I've heard of them getting debris stuck in them when they initially seep and blow water. Pull the test results Jake and find a pop it that failed to open. Double checks it happens all the time. Well it doesn't happen all the time. It happens, they don't fully open. We get a call from somebody my water pressure is low and you find out finally it's cause your check valve's not operating properly cause there's a stick stuck in it. And how the heck the stick got in there I don't know. It wasn't the plumber that left it in there.

JOHN BARKER: It was the water people.

PATRICK KERR: If there's a problem with it Jake let's just take care of the people in Louisiana too. One year is too often y'all. It is.

JIMMY GUIDRY: We can look at other states. I just need to know and we don't look at something that often what's the risk, how high is the risk.

PATRICK KERR: This is actually a PVB is allowed to be used in a high hazard environment. It's kind of strange. It's not an RPZ, but specific requirements what can happen downstream of it. Can't put any pressure on it, can't put chemicals, some other things. But it's a high hazard service. And Jake is right about wanting to get these things installed correctly and tested and I agree with that. I just think once they are installed correctly they are protected.

JAKE CAUSEY: Comment 9 I think this is where we propose to install some of the language I guess about who could test installation of repair. This was with respect to the PVBs. I guess it goes further to talk about the water supplier, those things that are under their control, et cetera. That's existing language from part 14. The next one comment 10 this is talking about the requirement for field testing of backflow preventers. Primarily apply to, not sure if this is all the ones that are within the water supply itself. The plumbing code itself doesn't necessarily apply to a backflow preventer that's part of the water system. So we need to have those annual test requirements in part 12 for those devices that are owner operated by the water system itself, their own devices.

PATRICK KERR: I think this would apply to customers the way you have it written.

JAKE CAUSEY: Maybe it was intended to apply to both actually.

PATRICK KERR: All I would suggest is C comment 10 what we talked about for the last 10 or 15 minutes. We need to have a distinction for irrigation system, PVBs.

JAKE CAUSEY: We said delete swimming pools. The swimming pools are currently permitted to be connected via an RPZ.

PATRICK KERR: Required to have an air gap.

JAKE CAUSEY: Not in the plumbing code. The plumbing code says an RPZ is acceptable.

PATRICK KERR: And you want to go to that?

JAKE CAUSEY: That's where we're at today, published in 2013.

PATRICK KERR: I thought we had to fill pools over the rim.

JAKE CAUSEY: Not since 2013. Comment 13 this whole section the only comment was I know we recently issued two variances, two industrial systems. I think Exxon was one. Basically were using the public supply well to provide water to the process and then they had process wells that are not public supply on their process side. Allowed them to put in an RPZ to protect the public supply instead of an air gap.

PATRICK KERR: Why wouldn't you allow the regulation to continue to say that an issue a variance if it's required?

JAKE CAUSEY: Why would you or would you?

PATRICK KERR: Why don't we leave it as is and if Dr. Guidry decides that a variance is authorized?

JAKE CAUSEY: That's fine. I think I just wanted to mention it is all. I don't have a problem with that. Comment 14 was just new water loading stations. I think that's all the comments.

JIMMY GUIDRY: Moving right along. Do we have any comments from the public at this point?
All right.

RANDY HOLLIS: I do have a question. I guess this is the place to ask a question. When are we going to talk about grandfathering?

KEITH SHACKELFORD: As soon as somebody volunteers.

PATRICK KERR: Mayor Breland already volunteered. Fastest growing parish in the state. He's going to do the grandfathering.

JIMMY GUIDRY: We're obviously going to have to go there, but I'm still going back to are we going to grandfather a bunch of things because if we think it's important enough, I'm going

back to what you said, we think it's important enough it should be required and if we think it's not that important that it could be grandfathered then maybe it shouldn't be required.

PATRICK KERR: Might I suggest a different take on this? There should be things that are required for design for new equipment and there should be inspections based on the way that the equipment was installed and designed in the first place. So you don't have to grandfather it if an inspector's not going to find that you're below the 100 year flood plain, flood elevation and therefore need to raise your plan. You don't need a grandfathering clause for that if there's language that says it will be inspected in accordance with approved permits or with generally accepted designs at the time cause we can't find permits for everything. Things that are not critical but are better ideas like building above the flood plain, stuff that deals with resiliency and having water after an event, I'm sorry we didn't design to stay in water after the last two hurricanes 50 years ago. Everybody just said you're not going to have water for a while folks. Which was not the right answer, but it was the right answer at the time. That's the kind of stuff I'm saying if I come to you with a new community and a new water system I think you have every right to say to me you need to be able to withstand and produce water after this kind of event. But don't go back to the ones that already exist to make them do it. That's the difference between--

JIMMY GUIDRY: Are we talking about a fairly short list?

PATRICK KERR: No I think we're talking about if the folks who review the permit at DHH and the design engineers 20 minutes ago, 20 years ago I don't care when it was thought that was the way to build it and it was built that way we shouldn't go back and second guess them unless there's some technology that's come out or some discovery that oh, I'm sorry you can't do it that way anymore it's going to hurt people.

JIMMY GUIDRY: Unless we learned that that didn't work.

PATRICK KERR: You got to fix that. And so it's a question about what do we inspect on a

sanitary survey. If we inspect it the way it was built, come on. If you all of sudden decide that we got a 100 of them in the state that were built and now we know it's a problem. And we can argue about this backwash water and whether we take it back to the head of the plant. We can fight about that. But if that's something you decide we shouldn't do anymore then you have inspections.

JIMMY GUIDRY: It's a loaded question I'm asking. Whoever you ask has a different answer.

Oh, grandfather me. Oh, grandfather what I have. And I really don't want to get in the business of grandfathering. I want to have a process that says going forward you have to have this. Looking at things you have to have at least this.

PATRICK KERR: I think that's great. Inspect us the way it was designed and built.

CHRIS RICHARD: At least on the treatment section the way my approach was it addresses, a lot of the things it addresses is design. And so if somebody built a plant next year after this code's in and they have to design it according to those requirements then they're subject to inspection and enforcement. They have to maintain it in accordance with the code at the time they design and built it. But those same requirements that are in that section you can't go back to a plant from 1940 and say well you should have designed it according to the new code back in 1940. You can't go make them do it unless it's critical to the water quality. So the grandfathering you're not going to have to say oh, we have to grandfather all these items you're going to be subject from this point forward you're subject to the design standards that are in that code, period. There's no grandfathering going forward obviously. But then there's going to be a list of items that you don't have to, that maybe are listed as a requirement that you're exempt from. For instance we have a system in a small town that has pumps in a basement because it was built a long time ago, I assume they didn't want to use suction lift pumps, they didn't have vertical turbines so they built them in a basement, had a separate building on the side. You don't do that today because if you get a leak you

flood your pumps. Well we're not going to tell them oh, spend your next five years budget to build it above ground. So that's grandfathered in, but from here on out you can't build it that way.

PATRICK KERR: It's not really grandfathering though Chris. You're just saying that was an acceptable method of construction at the time and we're not going to inspect it on a sanitary survey.

CHRIS RICHARD: The reason I say grandfathering in is because when we do improvements, and this is an actual case, we have to go add a pump in there and the question came back to raise all the pumps. And we had one pump and so my response was they said can you give us a reason that you can't raise it. I said I can design anything, I can put it at 100 feet in the air. They can't afford it. So the question is is that second pump put in that basement to give redundancy to make sure we can maintain water to the people is that more important than not doing it at all. Because if you tell me I got to build it up they're not doing it. You can't force them to go do it. So the grandfathering allowed us to improve the reliability of the system by putting in that basement as opposed to not doing anything and having one pump. And so that's a grandfather situation. You're working on an existing facility, but you're not going to require me to bring up that plant that was built in 1940 or 1929 cause a lot of these plants are old. I don't have to go change everything to meet today's standard just because I'm doing some work to make the plant better. So I'm grandfathered in now.

PATRICK KERR: That's the age old what's the trigger for replacing or bringing it up to code. That's what they pay y'all for. We're never going to get that right.

JIMMY GUIDRY: We do it all the time and say that if ever you have to do a significant renovation we want you to come up to code. Because when you do the renovation we want you to include plans that tell us where you're not up to code how would you do. There needs to be a discussion around does it make sense, does the investment make sense. And

that's the point that I think we all miss out on because oh, we're bureaucrats, we have the rules, you're going to follow the rules, we're going to cite you year after year. And if it cost 10 million dollars and it ain't going to make any sense whatsoever we never have that conversation. I have it occasionally, but not enough cause people just get frustrated and they give up, or they don't remodel, or they don't renovate simply because they don't want to have to come up and pay the cost. That's a process I don't think exist today. There's an option. Send it to our folks to review, they can have that discussion, you don't like the answer it could be sent higher up. There is a process, but I'm just feeling and dealing with all the frustration people have cause one they don't understand why the requirements are there and they don't understand why they have to spend that kind of money. I had to replace an air conditioner at home and had to spend a hell of a lot of money when a few years ago it was like 4,000 dollars less. New requirements, they don't have Freon anymore. More expensive. You can't just change the unit inside, you got to change the unit outside. I understand it, I just think we can do something smarter than we do.

CHRIS RICHARD: The way it used to be like in that situation and it worked well is you have your district engineers and we'd meet with them and we'd discuss it and we'd come to a resolution together and that worked fine. If you take that away from those district engineers to be engineers that's when we end up with problems. When you say nope it says right here this is what you're going to do and that's all you can do. Even though they might not agree with it from a professional standpoint they don't have the latitude to use their license to help to work through a problem cause every system is different.

JIMMY GUIDRY: What I've seen from my group here, and y'all speak up if it's different, they tend to try to work with you. When I'm in the meetings, I don't know what they do otherwise, I'm seeing a lot of pushback. Is it not being handled at the regional level or is it when it gets to our level up here there's a wall. Where's the wall?

CHRIS RICHARD: The way it used to be we could work with them and my understanding that discretion was taken away from them. And I could be wrong, but they weren't allowed to make those kind of decisions. If it was in 10 states then that's what it is and they can't vary from what it said. They can't have those discussions.

JAKE CAUSEY: Certainly staff do not have authority to permit things that do not comply with the code. I think that's pretty straight forward. We're setting what those minimum standards are. Yeah, I certainly expect even after this they may see a project and ask about a scrubber or a this or a that did you consider these things. Not because they're requirements, not because they're mandatory, but because they're still going to ask about what considerations have went into things, especially changes in treatment processes and certain chemicals in compliance with rules and things. I don't think we're asking them to stop being engineers, but we are asking them to make sure that the rules that are in place are being enforced and that they're not putting in things that don't comply with the rules cause that creates inconsistencies. When that guy goes and a new guy comes in and he's doing it the right way people get very upset. Those are the things we're trying to prevent by having all of our staff follow and apply the rules the same way as these are the minimum requirements. And then above and beyond that you talk about how to get the chlorine up, what chemicals are best for this filter, and any scrubbers this close, a lot of these other things. But there is a baseline that is--

CHRIS RICHARD: I understand what you're saying. I agree with you. I think the problem was the baseline moved. In the past we worked with the state sanitary code and we had 10 states was recommended standards for design. And so the latitude was we would do with 10 states and we'd work with them because 10 states is not and was not a code. It was a design guide, but it was being used as a code and so if it didn't fit I was told this is what we're going to use 10 states. I think that's why we're here because 10 states became a code

when it wasn't intended to be one. And that's why we have those issues. But never on the sanitary code. It was never a variance or any discussion on that, design issues.

DIRK BARRIOS: An example of where you would have an issue or you could have an issue is if a system comes to expand a plant. I'm talking about a conventional water treatment plant similar to ours. You have elevation requirements and those elevation requirements require you to build to a certain height. Or you're trying to tie the existing system into a new system and you have a hydraulic problem. What ends up happening is you're having to raise, or lower, or whatever certain heights, filters, and everything. You have to have some type of latitude in there when you have an existing system might have cost in 1987 in our case five and half million dollars to build. Replace that exact same system today probably cost five or six times that. If you're looking to make an expansion, and I'm not sure we're going to have an issue, but it's something conceivable that could happen in 15, 20 years down the road when our people that's coming after us looking to make these same type of expansions in the same general locations and as you go down on the terrain your elevation start to drop. Something that you not only have to consider what is happening today, like Jake said you got to consider what is happening or going to happen with the people who's coming behind us. You have to be able to give them some latitude. Now if it's something that is completely out of the question you just can't do it because whatever reason it's understandable, but we're talking about ground that you can walk on, cut grass, drive a truck and everything else. But because of these elevation requirements, and I'm not talking about on the coast in South Louisiana. And we don't want to say coast cause we can see the gulf. I'm talking about fairly high ground, but it's high ground. But when you start to come and requiring these 100 year flood elevation and what have you may, and I don't know for a fact, you may in some locations run into these types of problems. A hydraulic problem in a plant, ask the engineers, that is a major, major problem. It's a very, very hard thing to make this plant

work with this plant. Again, you have to give this some kind of latitude is all I'm trying to say.

JOHN BARKER: May I say something and I'm going to leave you all to your work and I'm going to be out of your hair. I wish each and every one of you a very, very good Memorial Day weekend. But everybody look around, see what's happening here right now. What's happening here is a system that's working. The alternative may be trying to do this with EPA. You try to tell them what you need. I think this is a prime example of why DHH needs regulatory authority over your system. Dr. Guidry mentioned it earlier. Liability one. I don't want it. We have it, I'm talking about as a plumber I don't want it. I want the plumbing board to have it in regard to plumbing. But the system is working. I don't think they really actually needed legislation to make this happen. And it's a shame that it came to that. I think from this point forward in the future I think everybody at this table, and in this arena, and our arena. Look there are things that they may make us do that I don't like to do. They may require a 3 inch when I know a 2 inch may be okay. But guess what, we do it or we tell them hey look, let's have at least one 3 inch in the facility and then the rest can be 2. I think the process is working. And I commend each and every one of you guys for taking your time sitting around the table and doing it, but let it continue. And I'm very serious, and I'll say it one more time, if house bill 1 goes through as amended it's going to affect you guys directly. Every one of you. So keep that in mind and try to talk to your people and make sure that that amendment is changed. Because it's working, the process is working. Thank you very much.

GREG GORDON: I just wanted to say it sounds like to me just by the issues of the discussion is there's got to have a walk through that force of doing a grandfather clause and having a group meet cause you still have these whack a mole issues and herding cat issues that that is going to take care of. You may not have to have it in the long run, but you've got to have that discussion to go back to the other areas and fix those areas and to limit that grandfather

clause stuff. You have to go through that iterations unfortunately and you have to hear some stuff that we have to hear from y'all what we don't want to hear and you have to hear from us what we don't want to hear and then we have to meet. But we've gotten a good consensus the way we have been working. I think we're poised to kind of handle that now. A year and a half ago probably not so. Today I think we can.

JIMMY GUIDRY: I'm not saying we shouldn't go through it, I'm just saying I don't want a long list. To me it really boils down to what's very doable and easy to do and not costly verses what's extremely expensive. The trigger for me is when something gets extremely expensive is when it gets the butting of heads. Why should we have to put those pumps above ground? They've been there for 50 years and because the code said they should be above ground now cause they're smarter why do we have to bring them up now. That's a multimillion dollar project. That is one worth having the discussion about. Grandfather those pumps, but the new pumps need to go above ground. Compromise, but at least you have something working and make sure they work, if the ones underground go out the ones above ground can still pull their load. There's some planning there. But I'm just trying to get my arms around society is changing today. They don't want to be told what to do, but they want the protection. You can't have it both ways. What you're hearing about house bill 1 you take away our funding and our ability to protect public health which nobody really wants, but they want us to do it with less of a hammer. I'm like trying to figure out how to do that. I've been doing it for a long time. I think I know how to do that, but something is changing. And people are getting frustrated because there's so many rules and regs over the years and we keep adding them, EPA keeps adding them, that they're just tired of it. Ditch to die in protects health and some stuff I really don't care. We got to figure out what that is.

PATRICK KERR: Dr. Guidry I think what's really changed, and I think something that's being done by the department and the engineering section specifically is we've transitioned from

we want the water that you drink to be healthy to we want to insure that you have healthy water to drink. The difference is huge. If his pumps flooded 20 years ago, 30 years ago the community was out of water. It was not a big deal, sorry they're out of water.

JIMMY GUIDRY: And we did without, or we boiled it, or we did something.

PATRICK KERR: And then the next iteration was we're going to have water, but all of a sudden the wastewater treatment plants don't work and now we've got an even bigger health crisis because we've got raw sewage that's not being removed from the homes and treated. So that was a battle. I think we actually got ahead of the wastewater side with resiliency in water systems. Much to their chagrin, but they're catching up. When you think about what's grandfather-able and what's not I think the public health, the water that you drink is safe to drink is incredibly important and we don't grandfather that. The fact that you have water to drink there's where we start getting into how much is it worth to spend to make sure that you have water to drink. I'm sorry, you might have to leave the community. Even through our best efforts Charleston was without water to drink for weeks after the outbreak. We can't fix that. How much do you want to spend to prevent that? And I think what we're doing is leaning a little too far on making folks bring things up to code to build in that resiliency. That's where I'd like you guys to spend some time thinking about it. If the community can't afford it they're making a decision they can't afford it and therefore we need to put a protection that if water leaves the plant it could be consumed, if the plant is interrupted we need to give a little more latitude to communities to make that decision. Communities that are in cash strapped environments. And many of them are. I'm sorry, we wouldn't build a lot of these communities in areas they've been built in now that we know what we know. And where do you put the water treatment plant and wastewater plant. You put it on land that nobody else is going to build on cause it's going to flood. And that's what we used to do. I think if you can make that distinction in these discussions in the

grandfathering clause we're not going to hurt anybody by not doing that. They're not going to have water to clean up, but I don't want to rely on the National Guard, but I can get drinking water to you. Large cities like this, bigger issue, we can't get water to people. We need systems like this to be bulletproof for resiliency. But smaller communities you need to defer to their ability to pay.

JIMMY GUIDRY: As we work through it are we going to just come up with a broad general statement, or are we going to come up with very specific what's grandfathered what's not.

CHRIS RICHARD: I think we'll see when we get through everything we'll have to take a look at the total package and then see the impacts and work through it like you said. We can't do it yet. We're seeing some of the things we need to do, but won't know them all until we finish.

JIMMY GUIDRY: But y'all are forming a list as you go through your different parts.

GREG GORDON: I'm sure you'll hear the legislature say the same thing. Now you're on the flip side. Don't give me a big list of things that you want me to pay for. But there is going to be that list and we'll have to dwindle it down.

PATRICK KERR: But if we can do it with a preamble that says the department is flexible as to resiliency. We're inflexible as to quality of water I think that does an awful lot. And then you have, the engineers have the latitude to make some decisions about is this a resiliency problem, yes. We're going to make known to you as a department that this may be an issue in a knowable event, a flood, a hurricane. And you let the people that make the decisions about how to fund the infrastructure in their community make those decision. Let the politicians in Thibodeaux make a decision about whether they are going to spend the money to make sure their plant is there after the next hurricane. But you make the decision about whether that plant is going to produce water that's unsafe and we don't go there.

BEN BRIDGES: I can foresee that you would have a huge list to be grandfathered initially unless you set very tight parameters this is what it's got to fall under and public health being the

primary. If it affects public health then yes we're going to work on it. If it's not and feasible and a nice add on or a nice fix that could be pushed aside. But I think it's got to be pertinent to we need to narrow our focus as to what we're going to allow to be grandfathered. And I think that will cut out a lot of it, otherwise we'll have 50,000 things every month to discuss.

JIMMY GUIDRY: And what I was hoping about what we've been through while we're writing this we've narrowed down exactly what we thought was important in rewriting this. And it's going to drive a lot of what we do going forward. I think everybody agrees on that. It's what we allow to exist and continue on 50, 60 year old systems or much older systems. I hear the argument and I hear not having the money and strapped for cash, but I also see what people make choices and what they're willing to pay for and not pay for. I find it interesting they don't trust governments so they're not going to pay more for their water bill, but they're going to buy bottled water which is not near as protected as drinking water. The decisions we make sometimes around money doesn't protect health, human life. We're doing a good job. There's not huge outbreaks that I'm aware of people getting sick from drinking water. I hear more about aesthetic quality, color water. I don't hear I got sick.

DIRK BARRIOS: I believe you're going to find most of the stuff we're concerned about is not dealing with safe drinking water, it's the other aspect of it. Talking about grandfathering. For instance, just hypothetically, Oschner says you got to have 30 inch railings, only 24 inch. Or you got to have a kick plate, we don't have kick plate. There's so many little bitty things in there that if I have 2000 feet of railings and I have to change them tomorrow that's expensive cause it doesn't meet the current regulations. I'm sure there are going to be some water quality issue that's going to have to be addressed. But I do believe the vast majority of the problems or the concerns that we're going to have grandfather is going to be non water related as far as quality or safety of drinking water.

BEN BRIDGES: How does it affect the quality of the water you're going to produce if it makes it

better.

DIRK BARRIOS: For whatever reason if it's something that's really, really unsafe we should have taken care of it anyway.

PATRICK KERR: That's why I think you deal with most of that in the preamble, most of it, and then we enforce requirements at the time the permit was issued for all the other stuff.

RANDY HOLLIS: If I could chime in on two things that Pat mentioned redundancy, a pump well. New pump wells have to be two different parts so we can take one out and clean it. Millions of pump wells in this state are one compartment. They're not two. So that's the cost factor. Do we go in and install or segregate pump wells at a huge cost where it's worked fine for 50 years. So that's part of the grandfathering we need to talk about. Are we going to try and implement these design standards to something that's worked fine. Water quality, we've got filters that were built in the 1940s, undergrounds. They wouldn't meet 10 state standards today, but yet they produce good water quality and they're fine. We need to look at those. We don't want to come in a sanitary survey and say guys guess what, your filters don't comply with the new 10 state standards for under drains, for gravel, for gradations, for everything, and yet water quality is good out of those. I think we've got to look at the water quality because water is not water. You can't say every water in this state's alike. All different, the chemistry is different, the chemicals are different. And if you've got filters that are working fine why change them out. If you can prove they're working fine. So that's another example of grandfathering of don't make them spend money on something that might be working fine. I'm sure you got other filters that are terrible.

CHRIS RICHARD: The way that I had taken the approach on filters for one cause that is one of the big ones the depth of the filter, the under drains, and all those things is in the code that we had in our committee we preface those sections with design and so you don't have to grandfather it in because it only applies to design of filters so that's going this point forward.

So you don't have to grandfather it because it can't be used against you unless cause it's already built. If you preface those kind of things in the code as design standards then you don't have to grandfather.

RANDY HOLLIS: And I guess that's where I got really confused because as part of this process going through we started looking at well this is a design standard, this is a sanitary survey standard and we tried starting and we did that some and we didn't do it in others.

CHRIS RICHARD: You're right. It's not consistent throughout.

RANDY HOLLIS: It wasn't consistent at all. I think we've got to set standards for what we use for everything in the future and part of this grandfather is what's going to be included in a sanitary survey and what's not. That's going to be really important because I don't want to get hit on my filters just because they don't meet the new 10 state standards and they work fine.

CHRIS RICHARD: And if we leave it the way it's written it wouldn't because it's written as design. So only if you go build a filter today would you have to comply on a sanitary survey because it wouldn't be enforceable because you built it, designed it under the new code. So in 10 years they do a sanitary survey it was designed under that code then it is enforceable under that code. It's not grandfathered in.

RANDY HOLLIS: Yeah but Chris where we're getting confused here is we've said anything that's critical implement it now and that's what we've said.

PATRICK KERR: No we haven't. What we've said is if there's a hazard to public health. If you're producing water that doesn't meet current water quality standards you need to bring it into compliance with the water quality standards. There's no grandfather, there's no nothing. Primary drinking water standards are not negotiable. Kick plates over the filters, negotiable.

RANDY HOLLIS: And that's why the preamble is going to be so important to define what's the criteria.

PATRICK KERR: The test has to be public health. And then the nice to have stuff is water after a storm. You know color, sorry it's secondary standard, but we should talk about the design and we should enforce what people sign up to do and that kind of stuff. Aesthetics are important too. But if they're not the driver of retroactive regulation enforcement.

JIMMY GUIDRY: It's getting worse and worse. The communities, the small communities, they get brown water, orange water and you tell them hey it meets all the water quality standards. It's not going to impact your health. You come drink this stuff. You come bathe in this stuff. That's more important to them than the standard.

BEN BRIDGES: Aesthetics drives it. That's right.

CHRIS RICHARD: The stuff that's going to get them sick and kill them they can't taste.

BEN BRIDGES: Yeah, you can't see the bad stuff.

CHRIS RICHARD: It's the stuff they can see that they don't want.

VERN BRELAND: It looks like we're going to take it up at the end so everybody gets to be on that committee.

JIMMY GUIDRY: Sheree want to tell us about the dates.

SHEREE TAILLON: This is what we voted on. I'm excited to have it throughout the rest of the year. We may or may not need all of these, but I just wanted to get them on your calendar and our calendar so that it's there and you can plan accordingly. And this is the last Friday meeting. So from here on out we'll go back to y'all's regular scheduled meetings which we're all happy about. No one wants to be here on a Friday afternoon, including me. That's all.

JIMMY GUIDRY: Are there any other questions before someone motions to adjourn?

RANDY HOLLIS: Motion.

JIMMY GUIDRY: Seconded. Y'all have a great holiday and thanks for being here when you could have started your holiday earlier.